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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,610	06/15/2001	Peter M. Bergler	MS1-690US	8484
22801	7590	12/17/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER CASLER, TRACI	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 12/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Supp.

Notice of Allowability

Application No.

09/882,610

Examiner

Traci L. Casler

Applicant(s)

BERGLER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 July 2007.
2. ☒ The allowed claim(s) is/are 12, 14-15 and 35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

[Signature]

SUPPLEMENTAL EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Beatrice Koempel-Thomas on September 20, 2007.

The application has been amended as follows:

35. (Currently amended) A system for managing a software licensing, comprising: an available license pool database to store software licenses;

a license server configured ~~logic-operative~~ to issue a software license to a client machine, the software license entitling the client machine to access software resources, the software license having an expiration date, the software license being identified as a previously issued software license;

a terminal server configured ~~logic-operative~~ to receive a license request from the client machine;

the licenser server configured ~~logic-operative~~ to determine that the expiration date of the previously issued software license been reached without the client machine making a license request because the previously issued software license has been lost or because the previously issued software license is not lost but has not been used in a license update period, resulting in the return of the previously issued software license to the available pool of software licenses;

the license server further configured ~~logic-operative~~ to reissue the previously issued software license to the client machine if the previously issued software license is available because the previously issued software license has been returned to the available pool of software licenses and has not been issued to another client machine, the reissued software license having a new expiration date; and

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~~logic operative to~~ issue a new software license to the client machine if a new software license is available and the previously issued software license is not available, the new software license having a new expiration date; and

~~logic operative to~~ deny the client machine access to software resources if the previously issued software license is not reissued and a new license is not issued.

2. The following is an examiner's statement of reasons for allowance:

3. Claims 12 and 35 teach a system and method for issuing software licenses to a client . Determining that a client has not requested a license update prior to an expiration date and returning the software license to a pool of available software licenses. Receiving a request from the client after the expiration date; if the previous has been returned to the available license pool then re-issuing the same license with a new expiration date. If the license has not been returned, issuing a new license to the client if new licenses are available in the pool of available licenses. If there are no licenses available, denying the client access to the software.

4. Claims 14-15 are deemed allowable as they depend from the allowable independent claims.

5. The prior art of record fails to teach alone or in combination the limitations of returning a clients software license to a pool of available licenses when a client fails to request a license update prior to the expiration of the license. The prior art of record further fails to teach re-issuing the same license to the client upon a request from the client when the license has been returned to the available pool of licenses.

6. US Patent 6,189,146 System and Method for Software licensing; Misra et al teaches a system and method for licensing software but fails to teach returning a license to a pool of available licenses if the client has failed to request an update prior to the expiration of the software license.

7. US Patent 5745879 A method and System for Managing Execution of Licensing Programs; Wyman et al teaches a consumptive style of software licensing. The units may be reused when another user makes a request. A consumptive style means the units are deducted from an available pool when a user node makes a valid request, and 'consumed', not to be returned for reuse. Wyman fails to teach returning the license to an available pool of software licenses to be issued to another user.

8. US Patent Publication 20030160823 Method and System for Indicating the license status of an object. Stannard teaches ; teaches a licensing a program for use by a client after a license has expired, except that the unlicensed objects are marked with tag indicating that the object is not licensed. The tag in the exemplary embodiment is text indicia printed across the object indicating that the object is not licensed.

Applicant fails to teach receiving a request from the user for a license update and re-issuing the same license or issuing a new license if the old license is not available.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC


